

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

PUBLIC NOTICE OF AVAILABILITY OF AN INFORMATIONAL HEARING AND INTENT TO MODIFY A WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0062359-03-1

Permittee: Gordondale Farms Inc, Box 26, Nelsonville, WI, 54458

Facility Where Discharge Occurs: Gordondale Farms Inc, 9845 Hwy 161 Amherst, WI 54458

Receiving Water And Location: Surface water and groundwater within the Waupaca River Watershed

Brief Facility Description: Gordondale Farms Inc. is an existing Concentrated Animal Feeding Operation (CAFO) located in Portage County, approximately one mile northeast of the Village of Nelsonville. The dairy consists of 3 farms, all located within one-mile of Deere Ridge Dairy (Main Farm) which is located at 9845 Highway 161. Livestock are present at 2 of the facilities, Deere Ridge Dairy and the Home Farm (2823 Cty Rd Q). The third farm is the Hog Farm (9488 Hwy 161) which is a Hog Barn with an under-floor manure storage which is used as needed for additional manure and process wastewater storage.

Gordondale Farms' permit reissuance (WPDES Permit No. WI-0062359-03-0) was challenged by various petitioners. The department reached a settlement agreement which contained the condition that Gordondale Farms' permit would be modified for potential inclusion of an animal unit cap and requirements to monitor groundwater at land application site(s) if the WI Supreme Court decides the department has authority to do so. On July 8, 2021, the Court issued its opinion *Clean Wisconsin, Inc. vs DNR* describing that the department has this authority.

The current permit for Gordondale Farms already contains conditions to assure compliance with effluent limitations and water quality standards with respect to storage and land application of manure and process wastewater. An animal unit cap would be duplicative of these existing requirements. Therefore, an animal unit cap is not necessary for Gordondale Farms at this time.

Groundwater monitoring at land application site(s) will be required to assure compliance with effluent limitations and groundwater quality standards. Please view the attached hydrogeologic memo for additional site-specific information. Permit sections 2, 3.7, 3.8, and 4.3 are proposed permit additions to accomplish groundwater monitoring at land application site(s).

The settlement agreement required the due dates for Schedule item 2.5 – Manure Storage Facility – Engineering Evaluation WSF3 to be extended. The due date for plans and specifications, if necessary, is extended to May 15, 2022. The due date for final installation, if necessary, is extended to December 31, 2022. Permit section 1.8.2 – Manure and Process Wastewater Storage Facilities – Action Needed was also modified in accordance with the settlement agreement. The referenced point of discharge was changed from navigable waters to waters of the state. Also, engineering is to be considered in addition to monitoring and inspections to determine if facilities are meeting discharge limitations within section 1.8.2.

Permit Drafter's Name, Address, Phone and Email: Tyler Dix, DNR, 101 S Webster St PO Box 7921, Madison, WI, 53703, (608) 220-2096, Tyler.Dix@wisconsin.gov

Informational Hearing Date, Time, and Location:

When: Thursday, May 12, 2022 10:00 AM Central Time (US and Canada) via Zoom software.

Register in advance for this meeting at the following link:

<https://us02web.zoom.us/join/zoom/register/tZAtd-6gpjgsGdKavi5bZzgnAmQS4DkA-ZOd>

After registering, you will receive a confirmation email containing information about joining the meeting.

The Department of Natural Resources, pursuant to Section 283.49, Wisconsin Statutes, has scheduled a public informational hearing for the purpose of giving all interested persons an opportunity to make a statement with respect to the proposed permit action and the application for this operation.

The hearing officer will conduct the hearing in an orderly fashion and will use procedures specified in Subchapter II of ch. NR 203, Wis. Adm. Code, necessary to insure broad public participation in the hearing.

The hearing office will open the hearing and make a concise statement of the scope and purpose of the hearing and shall state what procedures will be used during the course of the hearing. The hearing officer shall explain the method of notification of the final decision to grant or deny the permit and the methods by which the decision may be reviewed in a public adjudicatory hearing.

The hearing officer may place limits on individual oral statements to ensure an opportunity for all persons present to make statements in a reasonable period of time and to prevent undue repetition. The hearing officer may also limit the number of representatives making oral statements on behalf of any person or group.

Informational and clarifying questions and oral statements shall be directed through the hearing officer. Cross-examination shall not be allowed.

Persons wishing to comment on or object to the proposed permit action or the application, are invited to do so by attending the public hearing or by submitting any comments or objections in writing to the Department of Natural Resources, at the above named permit drafter's address. All comments or suggestions received from members of the public no later than 7 days following the date of this public hearing will be used, along with other information on file and testimony presented at the hearing, in making a final determination. Anyone providing comments in response to this public notice will receive a notification of the Department's final decision regarding permit coverage. Where designated as a reviewable surface water discharge permit, the U.S. Environmental Protection Agency is allowed up to 90 days to submit comments or objections regarding this permit determination.

Information on file for this permit action, including the draft permit, fact sheet, and the operation's application may be inspected and copied at the permit drafter's office, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call the permit drafter for directions to their office location, if necessary. Information on this permit action may also be obtained by calling the permit drafter at (608) 220-2096 or by writing to the Department. Reasonable costs (15 cents per page for copies and 7 cents per page for scanning) will be charged for information in the file other than the public notice and fact sheet. Permit information is also available on the internet at: <http://dnr.wi.gov/topic/wastewater/PublicNotices.html>. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

NAME OF PUBLISHING NEWSPAPER: Stevens Point Journal

ADDRESS OF PUBLISHING NEWSPAPER: 1200 Third Ct, Stevens Point, WI 54481

Date Notice Issued: April 12, 2022